

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

JERRY MANES, Reg. No. 526585,)	
)	
Plaintiff,)	
)	
v.)	No. 07-4091-CV-C-NKL
)	
DR. JACQUES LAMOUR, et al.,)	
)	
Defendants.)	

ORDER

On June 11, 2008, United States Magistrate Judge William A. Knox recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed. The court is persuaded that the recommendation of the Magistrate Judge is correct and should be adopted.

On March 10, 2008, Judge Knox recommended dismissing plaintiff's claims against defendants Dr. Haas and John Doe Doctor, pursuant to Fed. R. Civ. P. 4(m). The court has conducted a de novo review of the record, including the exceptions filed by plaintiff on March 19, 2008. The issue of service of process is now moot because plaintiff's claims are being dismissed for failure to state a claim.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Report and Recommendation of June 11, 2008, is adopted. [37] It is further

ORDERED that the motion of defendants Drs. Lamour and Garcia for summary judgment is granted and plaintiff's claims are dismissed. [17] It is further

ORDERED that the Report and Recommendation of March 10, 2008, is moot. [31]

A handwritten signature in cursive script, reading "Nanette Laughrey", written over a horizontal line.

NANETTE K. LAUGHREY
United States District Judge

Dated: 7-8-08
Jefferson City, Missouri